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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**STATE OF CALIFORNIA; and  
CALIFORNIA HIGH-SPEED RAIL  
AUTHORITY,**

Plaintiffs,

**v.**

**UNITED STATES DEPARTMENT OF  
TRANSPORTATION; PETE BUTTIGIEG,  
in his official capacity as Secretary of the  
Department of Transportation; THE  
FEDERAL RAILROAD  
ADMINISTRATION; AMITABHA BOSE,  
in his official capacity as Acting  
Administrator of the Federal Railroad  
Administration,**

Defendants.

3:19-cv-02754

**STIPULATION AND [PROPOSED]  
ORDER TO STAY PROCEEDINGS  
PENDING SETTLEMENT  
DISCUSSIONS**

Plaintiffs, the State of California and the California High-Speed Rail Authority (Authority),  
jointly with Defendants, the U.S. Department of Transportation (Department), the Secretary of

1 Transportation, the Federal Railroad Administration (FRA), and the Acting Administrator,  
2 respectfully request, pursuant to Local Rule 7-12, that the Court stay proceedings in this matter  
3 pending their efforts to reach a negotiated settlement of all claims. In support of this stipulated  
4 request, the parties state as follows:

5 1. This action arises out of the May 16, 2019, decision by FRA to terminate a Fiscal  
6 Year 2010 Cooperative Agreement (FY10 Agreement) between FRA and the Authority and to de-  
7 obligate approximately \$929 million in associated federal funds. Plaintiffs filed their Complaint  
8 for Declaratory and Injunctive Relief on May 21, 2019. ECF No. 1. In their Complaint, Plaintiffs  
9 asserted a claim under the Administrative Procedure Act and asked this Court to set aside  
10 Defendants' decision to terminate the FY10 Agreement entered into between the Authority and  
11 FRA. Shortly after the Complaint was filed, the parties entered into a Stipulation that the  
12 approximately \$929 million associated with the FY10 Agreement would not be re-obligated,  
13 transferred, or awarded to any other recipient, except through a new Notice of Funding  
14 Opportunity, and that Plaintiffs would not seek emergency injunctive relief unless such a Notice  
15 were issued. ECF No. 11. To date, Defendants have not issued any such Notice of Funding  
16 Opportunity for the de-obligated federal funds. Defendants produced the administrative record on  
17 November 21, 2019. ECF No. 25. The parties have engaged in discussions over the contents of  
18 the record.

19 2. Following this Court's referral of the case to alternative dispute resolution, the parties  
20 participated in a settlement conference before the Hon. Joseph C. Spero on March 5, 2020. ECF  
21 Nos. 27, 28. While the parties exchanged settlement correspondence and discussed potential  
22 proposals for resolution of the litigation, they were at that time unable to reach a settlement.

23 3. More recently, the parties have resumed their efforts to reach a negotiated resolution  
24 of this case. The parties have, through counsel, engaged in initial settlement discussions and  
25 exchanged settlement correspondence, and they intend to continue those efforts through meetings  
26 directly between the Authority and FRA scheduled to begin this month.

27 4. To minimize any potential litigation burdens on the parties and the Court while the  
28 parties continue their efforts to reach a negotiated resolution of this case, the parties believe that a

1 stay of proceedings is warranted. Engaging in motion practice, disputes over the administrative  
2 record, or other litigation actions could hamper the parties' efforts to reach a settlement, and  
3 impose burdens on both them and their counsel that are counter to reaching a settlement.

4 5. The parties respectfully submit that granting a stay of proceedings will not prejudice  
5 the Court, as there are no pending motions or other pending matters on the docket in this case.  
6 Moreover, the parties have every intention of engaging in discussions as efficiently and as  
7 expeditiously as possible in an attempt to reach a settlement. If the Court approves this joint  
8 request, the parties, if the Court desires, will submit a joint status report summarizing the  
9 settlement status no later than 90 days from the commencement of the stay.  
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1 Dated: March 22, 2021

Respectfully submitted,

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3 PAUL STEIN  
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4 ANNA T. FERRARI  
Deputy Attorney General

5 /s/ Sharon L. O'Grady

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Deputy Attorney General  
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8 *and California High-Speed Rail Authority*

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12 /s/ M. Andrew Zee

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19  
20 **ATTESTATION**

21 Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose ID and password  
22 are being used in the electronic filing of this document. I further attest that I have obtained the  
23 concurrence in the filing of this document from the other signatory.

24 /s/ M. Andrew Zee

25 M. ANDREW ZEE  
26  
27  
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**[PROPOSED] ORDER**

Having considered the parties' Stipulation to Stay Proceedings Pending Settlement Discussions, and for good cause shown,

IT IS ORDERED that all proceedings in this case are STAYED pending the parties' ongoing settlement discussions.

IT IS FURTHER ORDERED that no later than 90 days after the date of this Order, the parties shall file a joint status report summarizing the status of their settlement discussions.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March \_\_, 2021.

\_\_\_\_\_  
JAMES DONATO  
United States District Judge